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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Central Acts

HOME DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 20th June, 2025

BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.

No.GG/101/2025/SB.5/BNS/102025/GoI-15: - In exercise of the powers conferred by the proviso to sub-section (2) of section 64 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) in its application to the State of Gujarat, the Government of Gujarat, hereby makes the following rules, namely: -

1. Short title, extent and commencement. -

(1) These rules may be called the Gujarat Electronic Processes (Issuance, Service and Execution) Rules, 2025.

(2) They shall extent to the whole of the State of Gujarat.

(3) They shall come into force on the date of their publication in the *Official Gazette.*

2. Definitions. -

(1) In these rules, unless the context otherwise requires, -

(a) "Bail Bond" means an undertaking for release with surety;

(b) "CIS" means Case Information System, a system software used by the District Judiciary for the collection of data and execution of instructions;

(c) "CCTNS" means Crime and Criminal Tracking Network and Systems Governed by NCRB

(d) “E-Gujcop”/"CCTNS" means a system software used by the Police for the collection of data and execution of instructions;

(e) "electronic communication" means the communication of any written, verbal, pictorial information or video content transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device, including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-video player or camera or any other electronic device or electronic form as may be specified by notification, by the Central Government;

(f) "Electronic Signature" means authentication of any electronic record by a subscriber or court, by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000 (21 of 2000) and includes digital signature. Also, when a process or report generated in electronic form is authenticated by means of electronic signature, it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;

(g) "High Court" means the High Court of Gujarat;

(h) "known Electronic Mail Address" means the email account of a person or organization used to send and receive messages over internet, which is shown to be admitted, used, or provided by such person or organization either personally or on a website or portal;

(i) "process" includes summons, warrant issued under section 63 of the Sanhita. or any other forms set forth in the Second Schedule of the Sanhita, with such variations as the circumstances of each case require, issued for the respective purposes as mentioned in the Sanhita;

(j) "Rules and Orders" means the Gujarat Rules and Orders (Criminal);

(k) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023);

(l) "Seal" means image of the seal of the Court;

(m) "State" means the State of Gujarat;

(n) "Summons" means any summons issued under Chapter VI of the Sanhita;

(o) "Warrant" means and includes bailable warrant and non-bailable warrant.

(2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023); the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) and the Information Technology Act, 2000 (21 of 2000).

3. The Courts may generate and issue process in electronic mode through CIS/e- Gujcop/eSummons portal in such forms as set forth in the Second Schedule of the Sanhita, with such variations as the circumstances of each case require and the same may be directed to be served by a police officer, or by an officer of the Court issuing it or other public servant.

4. Every process issued in form of electronic communication under the Sanhita must ordinarily be written in the language of the court and shall be in an encrypted or any other form of electronic communication and shall bear the image of the seal of the Court and/or digital signature.

5. Every process issued electronically shall contain electronic signature in such a manner that the name of the Court or the capacity in which the signatory or subscriber acts, shall be clearly mentioned. The summons generated in electronic form shall bear image of the seal of the court or digital signature of the Clerk of Court or the Reader or as the case may be, any person authorized in writing in this regard. Every warrant of arrest in electronic form shall be issued by electronic signature of the Presiding Officer of the Court and shall also bear the seal of the Court.

6. Where the processes generated in electronic form are received on e-Gujcop/CCTNS/e-Summons portal through a secured system, in an encrypted or any other form of electronic communication, it shall be presumed to be issued by the Court. Further, any printout of such process shall have the same effect as issued in original for the purpose of its execution.

7. The Officer-in-charge of the Police Station shall ensure that the verified' details relating to address, known electronic mail address, phone number and messaging application used by the accused or witnesses, as the case may be, are recorded during arrest, investigation or inquiry and entered in e-Gujcop/CCTNS. Such details shall also be entered in the Register maintained at the Police Station in compliance with sub-section (1) of section 64 of the Sanhita. If any of such details is not available, the Officer-in-charge of the Police Station shall make an endorsement to that effect in the Register:

Provided that any such details may be amended on the basis of any further verification or on the basis of an application by such person.

8. Where a case is filed on the basis of a private complaint, the complainant shall file the details relating to address, known electronic mail address, phone number and messaging application of the accused and witnesses along with the complaint. If any of such information is not available, the complainant shall make an endorsement to that effect.

9. The details relating to address, known electronic mail address, phone number and messaging application shall be transmitted in electronic form and maintained in CIS and may be used for issuance of process. Such digital information shall form part of the register under section 64 of the Sanhita.

10. The details relating to known electronic mail address, phone number and messaging application of the witnesses shall not be provided to the accused while supplying copies under section 230 and 231 of the Sanhita. The Officer-in-charge of the Police Station shall ensure that such details do not form part of the copies prepared under sub-section (8) of section 193 of the Sanhita

11. The Officer in-charge of the Police Station or any Subordinate Officer deputed by him upon receipt of summons issued in form of electronic communication by the Court, may forward the summons on the known electronic mail address, phone number or messaging application of the person summoned

12. (1) Where summons is served by way of electronic mail, the electronic mail service provider shall be used in such a manner so as to generate acknowledgment and such acknowledgment shall form part of the report of service.

(2) When any process is sent to a person or organization on known electronic mail address, unless the delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, or a "return to sender" message, "bounced back message" or "error message" is received from mail server, the delivery may be deemed to be effected and unless the contrary is proved, to have been effected at the time at which the electronic mail would be delivered in the ordinary course of email.

Explanation: The ordinary course of e-mail may be determined in accordance with section 13 of the Information Technology Act, 2000 (21 of 2000).

13. (1) Where summons is served by way of any other electronic communication including messaging application, the acknowledgment shall form part of the report of the service and the report shall contain details including mobile number, messaging application and screenshot/photo of the application reflecting delivery of the communication.

(2) Such delivery may be deemed to be due service of summons/process and a copy of such summons/process along with report of service shall be kept in record as a proof of service of summons/process.

Explanation: Acknowledgement under this rule 13 or rule 14 include an acknowledgement given by-

(a) any communication by the addressee, automated or otherwise; or

(b) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.

14. In case verified details of the email address, phone number or messaging application relating to the person summoned are not available, the Officer-in-charge of the Police Station or any Police Officer deputed by him shall make an entry in that regard and after taking printout in duplicate of the summons issued in electronic mode, shall execute the same in accordance with procedure prescribed under Chapter VI of the Sanhita.

15. When summons is not served by an electronic mail or other mode of electronic communication or delivery is disrupted and bounced back for any other reason, the Officer-in-charge of the Police Station or any Police Officer deputed by him shall prepare a report in that regard containing all details including mobile number, messaging application and screenshot/ photo of the application and may proceed as per rule 14 for execution of the summons.

16. In case of warrant or any other process is issued in electronic mode, the Officer-in-charge of the Police Station or any Police Officer deputed by him shall take a printout of the warrant or process and execute the same in accordance with the Sanhita and rules made thereunder.

17. Where any process is served or executed otherwise through electronic mode, the Police Officer while making service or executing the process shall take acknowledgement of the Recipient and may capture photograph, which shall form part of the report of the service.

18. Upon due service or non-service of the warrant, the serving officer of the concerned Police Station shall transmit the service along with relevant documents including bail bonds, photographs, acknowledgment, if any, to the concerned Court in electronic form through CCTNS/e-Gujcop/e-Summons portal and may also forward such service/execution report in physical form.

19. The Court, after receiving the report in electronic form under rule 18, may act upon such report. Such report or printout of such report shall be sufficient to be original for the purpose of satisfaction as the service/execution of the process.

20. Where any process is issued in cases relating to offences under sections 64 to 71 of the Bharatiya Nyaya Sanhita (45 of 2023) or offences against woman or child, the Officer-in-charge of the Police Station shall ensure that the identity of the victim is not revealed in any manner in course of service or execution. Such service report in physical form shall be submitted in a sealed envelope to the Court.

21. Nothing in these rules shall be deemed to limit the powers of the Courts to generate and direct service or execution of processes under these rules, in cases under the Sanhita.

22. These rules shall be in addition to any other law or rules made by the High Court of Gujarat for the time being in force for issuance, service and execution of process by the Court.

By order and in the name of the Governor of Gujarat,

SHRADDHA PARMAR,

Under Secretary to Government.

Signature Not Verified
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